

In Re: Bankruptcy Abuse Prevention)
and Consumer Protection Act of 2005)
)

Implementation Order
Amended June 30, 2006

Bankruptcy Court for the Eastern District of Missouri filed on or after October 17, 2005 until further order of this Court. This order may be amended from time to time at the discretion of the Court.

1. **Interim National Rules & Forms.** The Interim Rules and Official Forms approved and recommended by the Committee on Rules of Practice and Procedures of the United States Judicial Conference and the Executive Committee, which are available at <http://www.uscourts.gov/rules/interim.html> are hereby adopted in their entirety. For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure, other than the Interim Rules, and this Court's Local Rules of Bankruptcy Procedure will continue to apply. In all cases and proceedings governed by the Act, the Federal Rules of Bankruptcy Procedure and this Court's Local Rules of Bankruptcy Procedure, as may be modified by the Interim Rules and Official Forms and by this Implementation Order, will apply. In all cases and proceedings, the Official Forms shall be observed and used with alterations as may be necessary, but all forms used must be in substantial conformity with the Official Forms.

Means Testing/Current Income Calculations (paragraphs 2-5)

2. **Median Family Income.** In determining median family income for purposes of 11 U.S.C. § 707(b)(7) and item 14 on Form B22A in Chapter 7 cases, and item 16 on Form B22C in Chapter 13 cases, absent evidence to the contrary, the median family income shall be those amounts established by the United States Bureau of the Census and made available on the Bankruptcy Court's website as provided by the Office of the United States Trustee.

3. **Monthly Expenses.** Absent evidence to the contrary, the monthly expenses for use in determining the means test under 11 U.S.C. § 707(b)(2)(A) and on Forms B22A in Chapter 7 cases, and for determining disposable income on Form B22C in Chapter 13 cases, shall be those expenses established by the Internal Revenue Service and made available through a link on the Bankruptcy Court's website to this information as provided by the Office of the United States Trustee. The multiplier for calculating the Chapter 13 administrative expense for item 45b on Form B22A, and item 50b on Form B22C, shall be the percentage on the date the case is filed and made available through a link on the Bankruptcy Court's website to this information as provided by the Office of the United States Trustee.

4. **Documentation Supporting Means Test.** The debtor shall bring to the § 341 meeting of creditors documentation supporting expenses claimed on the Means Test and Disposable Income forms in Chapter 7 and 13 cases (Part V of the Means Test Form B22A in Chapter 7 cases, and Part IV of the Disposable Income Calculation Form B22C in Chapter 13 cases). On request of the U.S. Trustee or the trustee, the debtor shall timely provide to the requesting party the documentation supporting such expenses. Such documentation shall not be filed with the Court unless filing is necessary to comply with existing rules and procedures.

5. Deadline to File Means Test/Statement of Current Monthly Income Forms.

(a) **Case Commencement.** The Statement of Current Monthly Income referred to in Rule 1007(b)(4), (5), and (6) (the Means Test/Disposable Income Forms, Forms B22A, B & C) shall be filed with the petition and if not with the petition, within 15 days thereafter, using the appropriate Means Test or Statement of Current Monthly Income event. The Court will issue a 15-day deficiency notice and order if such statement is not filed with the petition. Failure to file these documents within 15 days of the filing of the petition shall lead to dismissal.

(b) **Conversion.** When an individual debtor seeks to convert a case filed on or after October 17, 2005 to a case under Chapter 7, 11 or 13, the debtor must attach the appropriate B22A, B, or C Form for the converted case to the debtor's motion or notice to convert. If not attached to the motion or notice, the appropriate B22 Form must be filed simultaneously with the motion or notice to convert using the appropriate "Means Test or Statement of Current Monthly Income" event. Failure to promptly file the B22 Form for the converted case may result in denial of the motion to convert, or dismissal or reconversion of the case. The information provided on the B22 Form filed for the converted case shall reflect average monthly income for the six calendar months prior to the filing the original bankruptcy petition.

Debtor's Duties and New Filing and Document Requirements under 11 U.S.C. § 521 (paragraphs 6-8)

6. Section 521(a)(1) Filing Requirements. The Act imposes various new filing requirements on debtors. The debtor shall not be required to file the documents specified in 11 U.S.C.

§ 521(a)(1)(B)(iv), (v), and (vi) and shall be deemed to have satisfied these § 521(a) filing requirements in the following manner:

(a) The requirement of 11 U.S.C. § 521(a)(1)(B)(iv) (copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor) is satisfied by providing to the trustee at least 14 calendar days before the § 341 meeting (1) payment advice(s) or other evidence of payment, or (2) a verified statement that the debtor did not receive payments to which § 521(a)(1)(B)(iv) applies. Such requirement may be satisfied by providing less than "all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition . . ." (e.g. by providing a year-to-date statement that includes payments received within 60 days of the petition). Failure to timely provide this documentation may result in dismissal of the case.

(b) The requirement of 11 U.S.C. § 521(a)(1)(B)(v) (statement of the amount of monthly net income, itemized to show how the amount is calculated) is satisfied by including such information in Schedule I (Rev. 10/05).

(c) The requirement of 11 U.S.C. § 521(a)(1)(B)(vi) (a statement disclosing any reasonably anticipated increase in income or expenditures over the next 12-month period following the date of the filing of the petition) is satisfied by including such information in item 17 of Schedule I (Rev.

10/05) and item 19 of Schedule J (Rev. 10/05).

(d) Because 11 U.S.C. § 521(i)(1) requires dismissal on the 46th day after the filing of a petition if the debtor fails to file all of the information required under § 521(a)(1), the trustee must, within 45 days of the date of the petition, either:

- (1) file a statement indicating the debtor has complied with the requirements of 11 U.S.C. § 521(a)(1)(B)(iv) by providing the trustee the required payment advices or other document; or
- (2) file a motion to extend time for the debtor to comply in accordance with 11 U.S.C. § 521(i)(4) on the grounds that the debtor acted in good faith and the interests of creditors would be served by administration of the case, unless the debtor has already requested such an extension; or
- (3) file a motion to dismiss if the debtor has failed to provide the information required in 11 U.S.C. § 521(a)(1)(B)(iv) and the time to provide the documentation has not been extended.

If the § 341 meeting is not set within 45 days of the filing of the petition, the 45 day deadline for dismissal in 11 U.S.C. § 521(i) is deemed extended for this purpose. If the trustee continues the § 341 meeting to receive these documents, such continuance shall be deemed a request to extend the deadline of § 521(i). Failure to provide the documents at or before the continued meeting shall be grounds for the trustee to request dismissal without further notice or hearing. (See paragraph 15).

7. **Section 521(c) Education Accounts.** The debtor shall file with the petition, and if not with the petition, within 15 days thereafter, records of any interest under 11 U.S.C. § 521(c) (record of any interest that a debtor has in an education [sic] individual retirement account or under a qualified State tuition program) by including such information on item 11 of Schedule B (Rev. 10/05) and by attaching an Exhibit Summary to the Schedules or by filing the Exhibit Summary separately using the “Debtor Interest in Education Account” event.

8. **Section 521(e)(2) Pre-Petition Tax Returns.** Unless otherwise requested by the United States Trustee or the trustee, the debtor shall be deemed to have met the requirement of 11 U.S.C. § 521(e)(2)(A)(i) by providing to the trustee, at least 14 days prior to the § 341 meeting of creditors, a copy of the debtor’s most recently filed federal and state tax returns. On the request of a creditor under 11 U.S.C. § 521(e)(2)(A)(ii) and Interim Rule 4002(b)(4), the debtor shall provide copies of such tax returns to the creditor but shall not file the returns or an Exhibit Summary thereof with the Court.

Tax Returns / Transcripts (paragraphs 9-14)

9. **Section 521(e) Tax Requests.** Unless otherwise requested by the United States Trustee or the trustee, the debtor shall be deemed to have met the requirement of 11 U.S.C. § 521(e)(2)(A)(i) by providing to the trustee, at least 14 days prior to the § 341 meeting of creditors, a copy of the debtor’s most recently filed federal and state tax returns. On the request of a creditor under

11 U.S.C. § 521(e)(2)(A)(ii) and Interim Rule 4002(b)(4), the debtor shall provide copies of such tax returns to the creditor but shall not file the returns or an Exhibit Summary thereof with the Court.

10. **Section 521(f) Tax Requests.** A written request pursuant to 11 U.S.C. § 521(f) (requesting post-petition tax returns) shall be filed with the Court using the “Request for Copy of Debtor’s Tax Information” event and shall be served on the debtor and debtor’s counsel, if any.

11. **Filing Returns with the Court.** To file tax returns or transcripts under 11 U.S.C. § 521(f) in the Court’s CM/ECF system, the debtor must use the “Tax Documents” event. This event limits access to the filed tax information.

12. **Access to Filed Tax Documents.** For the United States Trustee, the trustee, or a party in interest to gain access to tax returns or transcripts filed with the Court, such party must file a motion with the Court, using the “Motion for Access to Tax Information” event and must serve the motion upon the debtor and debtor’s counsel, if any. The motion must include:

- 1) a description of the movant’s status in the case;
- 2) a description of the specific tax information sought;
- 3) a statement indicating the information cannot be obtained by the movant from any other source; and
- 4) a statement showing a demonstrated need for the tax information.

If the Court grants access to the tax returns or transcripts filed with the Court, the movant must keep the tax returns and transcripts confidential and is prohibited from unauthorized dissemination of those documents or information.

13. **Redaction of Certain Tax Documents.** The debtor should take the following steps to redact personal identifiers in any tax returns or transcripts filed with the Court or provided to creditors, or parties in interest under 11 U.S.C. § 521:

- 1) Social Security numbers. If an individual’s social security number is included, only the last four digits should appear;
- 2) Names of minor children. If a minor child(ren) is/are identified by name, only the child(ren)’s initials should appear;
- 3) Dates of birth. If an individual’s date of birth is included, only the year should appear; and
- 4) Financial account numbers. If financial account numbers are provided, only the last four digits of these numbers should appear.

Court employees are not responsible for redacting any information. All redaction responsibilities rest solely with the filer.

14. **Disposition of Tax Documents.** On conclusion of review of any tax returns or transcripts by the United States Trustee, the trustee, any creditor, or party in interest, such party is authorized to return the tax returns or transcripts to the debtor or dispose of such returns.

Other Duties & Procedures (paragraphs 15-23)

15. **Dismissal for Failure to Provide Tax or Payment Advice Documents to Trustee.**

Pursuant to paragraph 6 and paragraphs 8 and 9, the debtor must provide the trustee with payment advices and certain tax records at or before the § 341 meeting. If not provided, or if inadequate information is provided, the trustee may continue the meeting or may conclude the meeting and set another date by which the debtor must provide these documents, not to exceed 90 days after commencement of the case. The trustee shall give the debtor written notice of the continued § 341 meeting date or of such other deadline to provide the documents. The trustee's notice shall advise the debtor that failure to provide the documents will result in a motion by the trustee for dismissal. The debtor may rebut any motion by the trustee for such dismissal by filing the required documents (i.e. taxes, payment advices or other evidence) with the Court within 5 days of a notice from the Court of the trustee's motion for dismissal. Payment advices or other evidence shall be filed using the "Employee Income Records" event. Taxes shall be filed using the "Tax Documents" event. The trustee must promptly either withdraw the motion for dismissal or file a reply following debtor's rebuttal.

16. **Credit Counseling.** Pursuant to 11 U.S.C. § 109(h) and as required to be filed by § 521(b), all individual debtors in a voluntary Chapter 7, 11, 12, and 13 case must file with the petition, a certificate of credit counseling, a certification of exigent circumstances under § 109(h)(3)(A), or a motion for exemption under § 109(h)(4). Failure to file the certificate of credit counseling, a certification of exigent circumstances, or a motion for exemption with the petition will result in prompt dismissal of the case. The certificate of credit counseling shall be appended to the voluntary petition or may be filed separately using the "Certificate of Credit Counseling" event. The certification of exigent circumstances under § 109(h)(3)(A) shall be filed using the "Exigent Circumstances re: Credit Counseling" event. A motion for exemption under § 109(h)(4) shall be filed using the "Motion for Exemption from Credit Counseling" event.

17. **Post-Petition Personal Financial Management.** Pursuant to 11 U.S.C. § 727(a)(11) and § 1328(g), the Court will not grant a discharge but will close a case without discharge in Chapter 7 and Chapter 13 cases if the debtor fails to file a certificate of completing the financial management course required by 11 U.S.C. § 111. Pursuant to Interim Rule 1007(c), in a Chapter 7 case, the certificate of completion of a financial management course shall be filed within 45 days after the first date set for the meeting of creditors. In a Chapter 13 case, the certificate of completion shall be filed no later than the last payment made by the debtor under the plan or the filing of a motion for hardship discharge. The Court will send a notice to the debtor in advance of the filing deadline advising the debtor that the case may be closed without discharge if the

certificate of completion of a financial management course is not filed. Completion of a financial management course may be shown using Official Form 23 (Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management). Exemption from this requirement may also be shown by checking the appropriate box and filing Official Form 23. A separate motion is not necessary when exemption is sought using the Official Form. Debtor's certification of completion of financial management course or debtor's exemption shall be filed using the "Financial Management Course" event.

18. **Closing of Case without Discharge.** If a case is closed without discharge, the Court will give notice of such closing to all creditors and parties in interest as required by Interim Rule 4006. A debtor may move to reopen a case closed without issuance of the discharge in order to file a required document. A reopening fee must be paid to reopen the case to obtain discharge.

19. **Request for Documents.** Unless otherwise stated (such as for taxes in paragraph 10 above or requests made under formal discovery procedures), when any party may request a document from another party, the initial request shall be a writing, made either by letter or e-mail and shall not be filed with the Court. Failure to comply with the request, and in no event, later than 15 days after the request, shall be grounds for the requesting party to file a motion to compel documents or seek other remedy from the Court, including dismissal. To comply with the request, the party must provide the documents to the requesting party but shall not file the documents or an Exhibit Summary concerning the documents with the Court. Nothing precludes use of current Motion to Compel practices as otherwise authorized and permitted.

20. **Privacy and Redaction of Documents.** Under the privacy policy of the Judicial Conference of the U.S. Courts, the party filing a document is responsible for redacting any personal information of a confidential nature from any document filed. The Court and Clerk of Court will not redact documents and are under no obligation to maintain the privacy of any information filed with the Court. Existing procedures for filing documents under seal and the right of parties to file redacted documents are the appropriate methods for ensuring personal, confidential information is not disclosed through the Court's system.

21. **Reaffirmation Agreements.** The Court will set a hearing to consider approval of those reaffirmation agreements that do not include the signature of the debtor's attorney when Court action on the reaffirmation agreement is required. (11 U.S.C. § 524(d) and § 524(k)(3)(J)(i)(7)). A request to approve other agreements (whether signed by counsel or not), shall be presented by motion. A motion seeking approval shall be filed with the reaffirmation agreement using the "Reaffirmation Agreement and Motion to Approve" event. The Court will set a hearing on such reaffirmation agreements.

22. **In Forma Pauperis.** Pursuant to 28 U.S.C. § 1930(f), the Court will promptly deny any application for In Forma Pauperis in which the debtor's income exceeds 150 percent of the income official poverty line applicable to a family of the size involved. The Court will post on the Court's website the applicable official poverty lines to be used in this analysis. If an application for In

Forma Pauperis is granted, unless otherwise stated, the order granting the application will waive all filing fees in the case. The order granting In Forma Pauperis status may be vacated if developments in the case demonstrate waiver of fees was unwarranted. If an application for In Forma Pauperis is denied, the debtor will ordinarily be ordered to pay the filing fee in installments pursuant to a payment schedule set out in the Court's order. If the debtor is not eligible to pay fees in installments because outstanding fees remain owing to the Court in a prior case, the debtor will be ordered to pay the full filing fee within 5 business days of the order denying the In Forma Pauperis application or the case will be dismissed.

23. **Prior Discharge and Delay of Discharge.** It is the responsibility of the United States Trustee to object to discharge if the debtor obtained a discharge in a prior case within the time periods that prohibit the Court from granting a discharge under 11 U.S.C. § 727(a)(8) or (9), and § 1328(f)(1) or (2). An adversary proceeding objecting to discharge is necessary. Nothing precludes a party in interest from filing such an adversary proceeding. Any request to delay discharge under 11 U.S.C. § 727(a)(12), § 1228(f); § 1328(h) or § 1141(d)(5)(C), shall be filed by motion, using the "Motion to Delay Discharge" event.

Domestic Support Obligations ("DSO") (paragraphs 24-29)

24. **Child Support Claimants.** The Chapter 7, 12 or 13 Trustee is not obligated to send notice under 11 U.S.C. § 704(c)(1)(A)(B) and (C), § 1202(b)(6) and § 1302(b)(6) unless a creditor holding a claim for unpaid pre-petition child support contacts the Trustee to request such notice. The duties of the Trustees under these sections shall be met if the Trustee provides the notice specified in those sections upon request. The Notice and Order of Commencement and the Discharge Order shall contain the following language to give notice to such pre-petition child support creditors.

The holder of any claim for unpaid pre-petition child support is entitled to have the Trustee provide such creditor with notice of the creditor's right to use the services of the state child support enforcement agency and supply such creditor with the address and telephone number of the state child support enforcement agency and an explanation of the creditor's rights to payment in the bankruptcy case. Any creditor may request such notice and information by writing the Trustee. Such creditor is further entitled to have the Trustee provide the creditor with (i) notice of the granting of the discharge, (ii) any last known address of the debtor; (iii) debtor's most recent employer, and (iv) information concerning other claims on which the debtor may be liable following the discharge. Failure to request such information from the Trustee shall be a waiver of the right to receive such notice from the Trustee.

25. **Certification of Payment of DSOs as a Condition for Discharge -- Chapter 13 Cases.** To implement 11 U.S.C. § 1328(a), as a prerequisite for the Court to issue the discharge in a Chapter 13 case, the debtor must certify either (1) that all amounts payable under a domestic

support obligation order have been paid through the date of completion of all Chapter 13 plan payments or (2) that the debtor does not owe any domestic support obligations. On receipt of the Trustee's Motion to Stop Wage Withholding and Return Excess Funds, the Court will issue a notice to the debtor, advising that the certification required by 11 U.S.C. § 1328(a) must be filed within 10 calendar days of the date of the Court's notice. If the certification is not timely filed, the Court may close the case without entering a discharge. To thereafter receive a discharge, the debtor must file a motion to reopen the case and pay the required filing fee.

26. Certification of Payment of DSOs as a Condition for Discharge -- Chapter 12 Cases.

To implement 11 U.S.C. § 1228(a), as a prerequisite for the Court to issue the discharge in a Chapter 12 case, the debtor must certify that all amounts payable under a domestic support obligation order have been paid through the date of the debtor's certification. The debtor shall file this certification prior to or as part of debtor's motion for discharge under Local Bankruptcy Rule 4004-1. If the certification has not been filed as part of or prior to the motion for discharge, on receipt of the motion, the Court will issue a notice to the debtor, advising the certification required by 11 U.S.C. § 1228(a) must be filed within 10 calendar days of the notice or the Court may close the case without entry of a discharge. To thereafter receive a discharge, the debtor must file a motion to reopen the case and pay the required filing fee.

27. Certification of Payment of DSOs and Taxes as a Condition for Confirmation –

Chapter 13 Cases. Under 11 U.S.C. § 1325(a)(8) and (9), the Court shall not confirm a Chapter 13 plan unless the debtor has certified that all domestic support obligations as specified in

§ 1325(a)(8) have been paid and that the debtor has filed all tax returns specified in § 1325(a)(9). These requirements for confirmation shall be established by the debtor completing and signing the Debtor's Statement Under Penalty of Perjury at the § 341 Meeting. The Chapter 13 Trustee shall report to the Court whether debtor has completed these requirements.

28. Certification of Payment of DSOs as a Condition for Confirmation – Chapter 12

Cases. Under 11 U.S.C. § 1225(a)(7), the Court shall not confirm a Chapter 12 plan unless the debtor has certified that all domestic support obligations as specified in § 1225(a)(7) have been paid. This requirement for confirmation shall be established by the debtor providing information concerning these matters under oath at the § 341 Meeting. The Chapter 12 Trustee shall report to the Court whether debtor has paid all necessary domestic support obligations.

29. Matrix to Include State Child Support Enforcement Agency. Any debtor who is subject to a child support claim of a domestic support obligation shall include the address for the appropriate state child support enforcement agency in the debtor's matrix. Such addresses are available through the website of the Office of the United States Trustee at:

<http://www.usdoj.gov/ust/bapcpa/ds/index.htm>

Chapter 13 Plan Provisions and Conversion of Chapter 13 Cases (paragraphs 30-34)

30. **Mandatory Model Plan.** Effective with cases filed on and after March 1, 2006, the Court will require use of a form Chapter 13 plan and will not require a plan summary. The form plan will be posted on the Court's website and adopted as a replacement to the current suggested plan (Local Form 13). The form plan will be incorporated into this Implementation Order when attached hereto as Appendix A.

31. **Adequate Protection in Chapter 13 Cases.** All payments required by 11 U.S.C. § 1326(a)(1) shall be made to the Chapter 13 Trustee in the amount of the monthly payment provided for in the debtor's plan or scheduled in a lease of personal property. Such payments shall be paid in the ordinary course of the Trustee's business to the secured creditor. The Trustee shall make such payments from funds not designated by the plan for payment to other creditors. Creditors may file objections to the amount of such payments. Pending a hearing and contrary ruling, the Trustee shall pay out such sums to the creditor or lessor as provided in this paragraph. In determining the monthly payment amount, the Court presumes depreciation and valuation as specified in paragraph 32 below.

32. **Treatment and Vehicle Valuation in Chapter 13 Cases.** Absent evidence to the contrary, the Court presumes automobiles will depreciate at a rate of 1.5% of the vehicle's value per month. The plan must compensate secured creditors for this rate of depreciation. Absent evidence to the contrary, the value of vehicles for this purpose shall be determined using the Court's Vehicle Valuation Policy. Absent evidence to the contrary, for purposes of 11 U.S.C. § 506, the Court's Vehicle Valuation Policy referred to in L.B.R. 3015-3 J. shall be 97% of the National Automobile Dealers Association (NADA) (Central Edition) retail value at the time of filing the petition.

33. **Distribution on Secured Claims in Chapter 13 Cases.** The plan shall provide for payment of secured claims by the Trustee in equal monthly installments beginning with the first distribution made by the Trustee. The plan must provide for allowed secured claims to be paid in equal monthly installments over the plan term, or as specified in the plan, with interest as calculated under L.B.R. 3015-3 E.

34. **Conversion of Chapter 13 Cases.** When an individual debtor seeks to convert a Chapter 13 case filed on or after October 17, 2005 to a case under Chapter 7 or 11, the debtor must attach the appropriate B22A or B Form for the converted case to the debtor's motion or notice to convert. If not attached to the notice, the appropriate B22 Form must be filed simultaneously with the motion or notice to convert using the motion or appropriate "Means Test or Statement of Current Monthly Income" event. Failure to promptly file the B22 Form for the converted case may result in denial of the motion to convert, or dismissal or reconversion of the case. The information provided on the B22 Form filed for the converted case shall reflect average monthly income for the six calendar months prior to the filing of the original bankruptcy petition.

Automatic Stay (paragraphs 35-38)

35. **Requests for Continuation of Stay.** In cases where the automatic stay is limited to 30 days from the date of filing of the petition, or expires at some other date, (11 U.S.C. § 362(c)(3), § 362(h), or § 521(a)(2) or (6)), the debtor, trustee, or any party in interest may file a motion for continuation of the stay. When the stay terminates 30 days after the date of the petition, such motion by a debtor shall be filed within ten (10) days of the filing of the voluntary petition. When such motion is filed by the trustee, it shall be filed within twenty (20) days of the filing of the voluntary petition. Such motions will be set for hearing between 20 and 30-days after the date of the petition. Responses may be filed until the time of hearing. A motion for continuation of the stay shall be filed using the “Motion to Extend Automatic Stay” event.

36. **Verified Motion for Imposition of Stay.** In cases where no automatic stay exists upon filing of the petition under 11 U.S.C. § 362(b)(20), § 362(b)(21), § 362(c)(4), or § 362(n), the debtor, trustee, or any party in interest may file a **verified motion** for emergency imposition of the stay under § 362 as to any creditor(s). Such motion shall be filed using the “Motion to Impose Automatic Stay” event. Movant shall set such motion for hearing and shall serve the motion upon all affected parties, upon the Trustee or Successor Trustee of any pending foreclosure proceeding and upon any party in possession of debtor’s repossessed collateral. The motion for imposition of an emergency stay may be considered by the Court without hearing and, if granted, such stay will continue for a period not to exceed seven days or until conclusion of the final hearing on imposition of the stay whichever is less. The motion must: (i) identify the circumstances justifying imposition of a stay; and (ii) indicate whether movant consents to the continued processing of the creditor’s action, including statutory notices and publication or continued possession of collateral pending final hearing.

37. **Motion for Order Confirming the Stay is Inapplicable under § 362(j) (“Comfort Order”).** The Court shall consider without hearing all motions under 11 U.S.C. § 362(j) for orders confirming the stay has been terminated. The motion and proposed order shall both provide with specificity the basis of movant’s belief that the stay has terminated or is inapplicable including, e.g. previous case numbers and dates. The motion shall be filed using the “Termination or Absence of Stay” event. No filing fees are required to be collected for such motions.

38. **Automatic Stay with Respect to Lessors of Real Property – Proceedings under 11 U.S.C. § 362(l).** The following procedures will apply to proceedings to reimpose the automatic stay following a residential eviction against the debtor under 11 U.S.C. § 362(l):

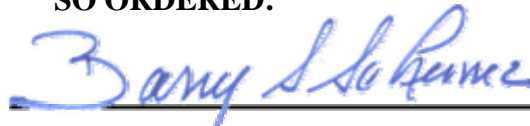
- a. The debtor must file the certification required by 11 U.S.C. § 362(l)(1) by completing the information requested on page two of the voluntary petition.
- b. The debtor must deposit with the Court rent payments that will come due within the 30-day period after the filing of the bankruptcy petition. Debtor shall submit such rent payments by tendering to the Court a cashier’s or certified check, or money order payable to the lessor. The debtor shall also provide the Court with a copy of the pre-petition judgment for possession at the time of submitting the rent payment with the Court.

- c. The Court will send notice to the designated lessor advising that the lessor may:
 - (1) consent to receive the rent payment (and shall give payment instructions, e.g. address for Court to mail check, etc.); or
 - (2) object to receiving the rent payment.
- d. The lessor shall have 10 days from the date of the Court's notice to file any objection under 11 U.S.C. § 362(l)(3)(A). Failure to file a timely objection shall be lessor's consent to receive debtor's rent payment, and the Court will transmit debtor's rent payment to the lessor. If the lessor files an objection, the Court will set such objection for hearing.
- e. Within 30 days of the filing of the petition, the debtor must file the certification required by 11 U.S.C. § 362(l)(2), advising that the debtor has cured the pre-petition default and must serve that certification on the lessor.
- f. If the lessor objects to the certification under 11 U.S.C. § 362(l)(2), lessor must file an objection within 10 days of receipt of the certification and serve the objection on the debtor and debtor's counsel, if any. The Court will set a hearing as required under 11 U.S.C. § 362(l)(3).
- g. If debtor fails to file the necessary certification(s) under 11 U.S.C. § 362(l)(1) or (2), the Court will provide the lessor and debtor with a certified copy of the docket sheet and notice as required in 11 U.S.C. § 362(l)(4)(B).

Miscellaneous Matters (paragraphs 39-40)

- 39. **Electronic Issuance of Summonses.** In accordance with Fed. R. Bankr. P. 7004(a)(2) as amended December 1, 2005, the United States Bankruptcy Court for the Eastern District of Missouri will electronically sign, seal, and issue summonses. Plaintiffs no longer need to submit a proposed summons when filing an adversary complaint. The Court will complete the summons, endorse it with the /s/ signature of the deputy clerk, affix an electronic seal, and issue the summons through CM/ECF. Attorneys will receive the summons by e-mail through CM/ECF. The Court will mail the summons to any pro se plaintiff. The plaintiff or plaintiff's attorney must serve the summons on each defendant as required in Fed. R. Bankr. P. 7004(a) –(h). This procedure supersedes and replaces any contrary procedural instruction in the Court's Local Rules (specifically L.B.R. 7004-1 A.), its Procedures Manual, and its ECF training materials.
- 40. **Amendments.** This order may be amended from time to time at the discretion of the Court.

SO ORDERED:



Chief Judge Barry S. Schermer

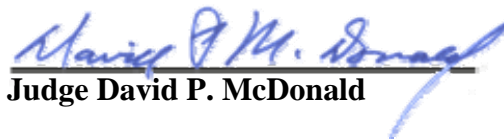
Amended Implementation Order (cont.)

A handwritten signature in blue ink that reads "Kathy A. Surratt - States". The signature is written in a cursive style and is positioned above a horizontal line.

Judge Kathy A. Surratt-States

A handwritten signature in blue ink that reads "Charles E. Rendlen III". The signature is written in a cursive style and is positioned above a horizontal line.

Judge Charles E. Rendlen, III

A handwritten signature in blue ink that reads "David P. McDonald". The signature is written in a cursive style and is positioned above a horizontal line.

Judge David P. McDonald

Dated: June 30, 2006

Topic	Paragraph & Page #
Interim National Rules & Forms	¶ 1, 2
Means Testing/Current Income Calculations (paragraphs 2-5)	
Median Family Income	¶ 2, 2
Monthly Expenses.....	¶ 3, 2
Documentation Supporting Means Test	¶ 4, 2
Deadline to File Means Test/Statement of Current Monthly Income Forms	
(a) Case Commencement.....	¶ 5(a) 3
(b) Conversion	¶ 5(b) 3
Debtor’s Duties under 11 U.S.C. § 521 (paragraphs 6-8)	
Section 521(a)(1) Filing Requirements.....	¶ 6, 3
Section 521(c) Education Accounts.....	¶ 7, 4
Section 521(e)(2) Pre-Petition Tax Returns.....	¶ 8, 4
Tax Returns / Transcripts (paragraphs 9-14)	
Section 521(e) Tax Requests	¶ 9, 4
Section 521(f) Tax Requests.....	¶ 10, 5
Filing Returns with the Court	¶ 11, 5
Access to Filed Tax Documents	¶ 12, 5
Redaction of Certain Tax Documents.....	¶ 13, 5
Disposition of Tax Documents.	¶ 14, 6
Other Duties & Procedures (paragraphs 15-23)	
Dismissal for Failure to Provide Tax or Payment Advice Documents to Trustee.....	¶ 15, 6
Credit Counseling.	¶ 16, 6
Post-Petition Personal Financial Management	¶ 17, 6
Closing of Case without Discharge	¶ 18, 7
Request for Documents.....	¶ 19, 7
Privacy and Redaction of Documents.....	¶ 20, 7
Reaffirmation Agreements.....	¶ 21, 7
In Forma Pauperis	¶ 22, 7
Prior Discharge and Delay of Discharge	¶ 23, 8
Domestic Support Obligations (“DSO”) (paragraphs 24-29)	
Child Support Claimants.....	¶ 24, 8
Certification of Payment of DSO’s as a Condition for Discharge -- Chapter 13 Cases ...	¶ 25, 8
Certification of Payment of DSO’s as a Condition for Discharge -- Chapter 12 Cases ...	¶ 26, 9
Certification of Payment of DSO’s and Taxes as a Condition for Confirmation –	
Chapter 13 Cases	¶ 27, 9
Certification of Payment of DSO’s as a Condition for Confirmation- Chapter 12 Cases	¶ 28, 9

Matrix to Include State Child Support Enforcement Agency	¶ 29, 9
--	---------

Chapter 13 Plan Provisions and Conversion of Chapter 13 Cases (paragraphs 30-34)

Mandatory Model Plan	¶ 30, 9
Adequate Protection in Chapter 13 Cases.....	¶ 31, 10
Treatment and Vehicle Valuation in Chapter 13 Cases.....	¶ 32, 10
Distribution on Secured Claims in Chapter 13 Cases.....	¶ 33, 10
Conversion of Chapter 13 Cases.....	¶ 34, 10

Automatic Stay (paragraphs 35-38)

Requests for Continuation of Stay	¶ 35, 11
Verified Motion for Imposition of Stay	¶ 36, 11
Motion for Order Confirming the Stay is Inapplicable under § 362(j) (“Comfort Order”)	¶ 37, 11
Automatic Stay with Respect to Lessors of Real Property – Proceedings under 11 U.S.C. § 362(l)	¶ 38, 11

Miscellaneous Matters (paragraphs 39- 40)

Electronic Issuance of Summonses	¶ 39, 12
Amendments	¶ 40, 12

Appendix A – Mandatory Form Chapter 13 Plan	16
--	-----------

APPENDIX A

Mandatory Form Chapter 13 Plan

(required in all Chapter 13 cases filed on or after March 1, 2006)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: _____)
_____) Case No.
_____) Chapter 13
Debtor(s) _____)

CHAPTER 13 PLAN

PAYMENTS. Debtor is to pay to the Chapter 13 Trustee the sum of the following amounts: (complete one of the following payment options)

\$_____ per month for _____ months.

\$_____ per month for _____ months, then \$_____ per month for _____ months, then \$_____ per month for _____ months.

A total of \$_____ through _____, then \$_____ per month for _____ months beginning with the payment due in _____, 20_____.

In addition, Debtor shall pay to the Trustee and the plan base shall be increased by the following:

Debtor shall send any tax refund received during the plan to the Trustee; however, debtor may retain a portion of a tax refund to pay income taxes owed to any taxing authority for the same period as the refund. Debtor may also retain from such refunds the lesser of the sum of two monthly plan payments or \$600 from such tax refunds, each year, for necessities. Additional lump sum(s) consisting of _____, if any, to be paid to the Trustee.

A minimum of \$_____ will be paid to non-priority unsecured creditors. (Dollar amount or 100%)

DISBURSEMENTS. Creditors shall be paid in the following order and in the following fashion. Unless stated otherwise, the Chapter 13 Trustee will make the payments to creditors. All disbursements by the Trustee to be made pro-rata by class, except per month disbursements described below:

1. **Trustee and Court Fees.** Pay Trustee a percent of all disbursements as allowed by law [and pay filing fee in the amount of \$_____]

2. **Executory Contract/Lease Arrearages** Trustee to cure pre-petition arrearage on any executory contract accepted in paragraphs 3(A or B) over the following period, estimated as follows:

CREDITOR NAME	TOTAL AMOUNT DUE	CURE PERIOD
---------------	------------------	-------------

3. Pay sub-paragraphs concurrently:

(A) **Post-petition real property lease payments.** Debtor assumes executory contract for real property with the following creditor(s) and proposes to maintain payments in accordance with terms of the original contract as follows:

CREDITOR NAME	MONTHLY PAYMENT	BY DEBTOR/TRUSTEE
---------------	-----------------	-------------------

(B) **Post-petition personal property lease payments.** Debtor assumes executory contract for personal property with the following creditor(s) and proposes to maintain payments in accordance with terms of the original contract as follows:

CREDITOR NAME	MONTHLY PAYMENT	MONTHS REMAINING
---------------	-----------------	------------------

(C) **Continuing Debt Payments including post-petition mortgage payments on real estate other than Debtor's residence and pre-petition arrears on these debts.** Maintain payments of the following continuing debt(s) in accordance with terms of the original contract with any arrearages owed at the time of filing to be paid in equal monthly payments the cure period and with the interest identified below.

CREDITOR NAME	MONTHLY PAYMENT	ARREARAGE	INTEREST RATE	CURE PERIOD
---------------	-----------------	-----------	---------------	-------------

(D) **Post-petition mortgage payments on Debtor's residence.** Payments due post-filing on debt(s) secured by lien(s) on Debtor(s) residence to be at the monthly amount listed below (or as adjusted by creditor under terms of loan agreement) to:

CREDITOR NAME	MONTHLY PAYMENT	BY DEBTOR/TRUSTEE
---------------	-----------------	-------------------

(E) **Pre-petition arrears on real property secured claims.** Pay arrearage on debt secured by liens on real property in equal monthly installments over the period and with the interest rate identified below, estimated as follows:

CREDITOR NAME	TOTAL AMOUNT DUE	CURE PERIOD	INTEREST RATE
---------------	------------------	-------------	---------------

(F) **Secured claims to be paid in full.** The following claims shall be paid in full in equal monthly payments over the period set forth below with _____% interest.

CREDITOR	EST BALANCE DUE	REPAY PERIOD	TOTAL w/ INTEREST
----------	-----------------	--------------	-------------------

(G) **Secured claims subject to modification.** Pay all other secured claims the fair market value of the collateral, as of the date the petition was filed, in equal monthly payments over the period set forth below with ____% interest and with any balance of the debt to be paid as non-priority unsecured debt under paragraph 7(A), estimated as set forth below:

CREDITOR	BALANCE DUE	FMV	REPAY PERIOD	TOTAL w/ INTEREST
----------	-------------	-----	--------------	-------------------

(H) **DSO Claims in equal installments.** Pay the following pre-petition domestic support obligation arrears in full in equal monthly installments over the life of the plan, estimated as:

CREDITOR NAME	TOTAL AMOUNT DUE	INTEREST RATE
---------------	------------------	---------------

(I) **Co-debtor guaranteed debt paid in equal monthly installments.** The following co-debtor guaranteed claims(s) to be paid by Trustee or by the co-debtor as noted below. If paid by Trustee, pay claim in equal monthly installments over the period and with interest as identified below.

CREDITOR	EST BALANCE	TRUSTEE/CO-DEBTOR	PERIOD	INTEREST RATE
----------	-------------	-------------------	--------	---------------

4. **Attorney Fees.** Pay Debtor's attorney \$_____ or such sums as may be awarded by the Court.

5. Pay sub-paragraphs concurrently:

(A) **Unsecured Co-debtor guaranteed claims.** The following unsecured co-debtor guaranteed debt to be paid by Trustee or by the co-debtor as noted below. If paid by Trustee, pay claim in full with interest rate as identified below.

CREDITOR NAME	EST TOTAL DUE	TRUSTEE/CO-DEBTOR	INTEREST RATE
---------------	---------------	-------------------	---------------

(B) **Assigned DSO Claims.** Domestic support obligation arrearages assigned to, or recoverable by, a governmental unit, to be paid a fixed amount with the balance to be owed by the Debtor(s) after completion of the Plan, pursuant to §§507(a)(1)(B) and 1322(a)(4). Regular payments that become due after filing shall be paid **directly** by Debtor(s).

CREDITOR	TOTAL DUE	FIXED AMOUNT
----------	-----------	--------------

6. **Priority Claims.** Pay the following priority claims allowed under 11 U.S.C. § 507 in full, estimated as follows:

CREDITOR NAME	TOTAL AMOUNT DUE
---------------	------------------

7. Pay the following sub-paragraphs concurrently:

(A) **General Unsecured Claims.** Pay non-priority, unsecured creditors. Estimated total owed: \$_____. Estimated amount available \$_____. Estimated repayment in Chapter 7: \$_____. Amount required to be paid to non-priority unsecured creditors as determined by 1325(b) calculation: \$_____.

(B) **Surrender of Collateral.** Debtor proposes to surrender the following collateral to the following

creditor(s) with any deficiency paid as non-priority unsecured debt:
CREDITOR COLLATERAL

(C) **Rejected Executory Contracts/Leases.** Debtor rejects the following executory contract(s) with the following creditor(s). Any balance to be paid as non-priority unsecured debt.:
CREDITOR CONTRACT/LEASE

8. Other:

9. All secured creditors shall retain the liens securing their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under section 1328. However, the Debtor will request avoidance of non-purchase money liens secured by consumer goods as well as judicial liens which impair exemptions and said creditors will not retain their liens if the Court enters an order granting the Debtor's request to avoid the liens.

10. Any pledged credit union shares or certificates of deposit held by any bank shall be applied to the amount owed such Claimant.

11. Title to Debtor's property to re-vest in Debtor upon confirmation. Debtor is not to incur further credit or debt without the consent of the Court unless necessary for the protection of life, health or property and consent cannot be obtained readily.

12. Any post-petition claims filed and allowed under 11 U.S.C. § 1305 may be paid through the plan.

CREDITOR'S NOTICE: YOU MUST FILE A CLAIM IN ORDER TO PARTICIAPTE IN DISBURSEMENTS PROPOSED HEREIN. CLAIMS SHALL SHARE ONLY IN FUNDS DISBURSED AFTER THE CHAPTER 13 TRUSTEE RECEIVES THE CLAIM. IN COMPLIANCE WITH ORDER OF THE COURT, ABSENT A SPECIFIC ORDER OF THE COURT TO THE CONTRARY, THE CHAPTER 13 TRUSTEE, RATHER THAN THE DEBTOR, WILL MAKE ALL PRE-CONFIRMATION DISBURSEMENTS PURSUANT TO SECTION 1326(a). ALL CREDITORS ENTITLED TO PRE-CONFIRMATION DISBURSEMENTS, INCLUDING LEASE CREDITORS, MUST FILE A PROOF OF CLAIM TO BE ENTITLED TO RECEIVE SUCH PAYMENTS FROM THE CHAPTER 13 TRUSTEE. PURSUANT TO LOCAL RULE, THE PROOF OF CLAIM SHALL CONTROL THE VALUATION OF COLLATERAL AND ANY VALUATION STATED IN THE PLAN SHALL NOT BE BINDING ON THE CREDITOR.

DATE: _____

DEBTOR: _____

DATE: _____

DEBTOR: _____